

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 183**

FINAL READING

Introduced by Fischer, 43.

Read first time January 12, 2009

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to the Nebraska Telecommunications Regulation  
2 Act; to amend section 86-101, Reissue Revised Statutes  
3 of Nebraska; to provide requirements for the sale of  
4 an exchange by a telecommunications company; to provide  
5 powers and duties for the Public Service Commission; to  
6 harmonize provisions; and to repeal the original section.  
7 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 86-101, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           86-101 Sections 86-101 to 86-163 and section 2 of  
4 this act shall be known and may be cited as the Nebraska  
5 Telecommunications Regulation Act.

6           Sec. 2. (1) A telecommunications company that proposes to  
7 sell any exchange owned by the company shall submit an application  
8 to the commission on a form provided by the commission for approval  
9 of the sale. Within twenty days after receipt of the application,  
10 the commission shall publish notice of the proposed sale in a  
11 newspaper of general circulation in each county in which an  
12 exchange proposed for sale provides basic local exchange service.  
13 The notice shall inform the residents of this state of their right  
14 to file a petition of intervention or submit a comment. Such filing  
15 or submission shall occur within fifteen days after publication  
16 of the notice. The telecommunications company shall reimburse the  
17 commission for the cost of such publication.

18           (2) In approving or rejecting the application, the  
19 commission shall consider the protection of the public interest  
20 and to the extent applicable to the exchange proposed to be sold,  
21 (a) the adequacy of local telephone service, (b) the reasonableness  
22 of rates for the local telephone service, (c) the provision of 911  
23 service, enhanced-911 service, and other public safety services,  
24 (d) the payment of taxes by the company, and (e) the ability of  
25 the telecommunications company to provide modern, state-of-the-art

1 telecommunications services. If the commission does not hold a  
2 hearing on the application, it shall issue an order of approval  
3 or rejection within forty-five days after the publication of  
4 the notice pursuant to subsection (1) of this section. If the  
5 commission holds a hearing on the application, it shall issue  
6 an order of approval or rejection within one hundred twenty  
7 days after the publication of such notice. The order may include  
8 conditions that the commission deems necessary to ensure protection  
9 of the public interest pursuant to the criteria set forth in this  
10 subsection.

11 (3) For purposes of this section:

12 (a) Exchange means (i) switching, transmission, and  
13 other equipment and (ii) facilities and associated permits,  
14 authorizations, service rights, customer contracts, and related  
15 assets by which a telecommunications company provides basic local  
16 exchange service within a local exchange area; and

17 (b) Sell or sale means the transfer, for consideration,  
18 of title to the assets comprising an exchange. Sell or sale does  
19 not include a transaction such as a merger, a consolidation, stock  
20 sale, financing transaction, or other non-asset sale transaction.

21 Sec. 3. Original section 86-101, Reissue Revised Statutes  
22 of Nebraska, is repealed.